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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

No. 3:15-cv-02113-SI

ADIDAS AMERICA, INC., a Delaware corporation; **ADIDAS AG**, a foreign entity; **ADIDAS INTERNATIONAL MARKETING B.V.**, a foreign entity; **REEBOK INTERNATIONAL LTD.**, a Massachusetts corporation; and **REEBOK INTERNATIONAL LIMITED**, a foreign entity,

Plaintiffs,

v.

TRB ACQUISITIONS LLC, a New York limited liability company,

Defendant.

**PLAINTIFFS' ANSWER TO
DEFENDANT'S COUNTERCLAIMS
DEMAND FOR JURY TRIAL**

Plaintiffs/Counter-Defendants adidas America, Inc., adidas AG, and adidas International Marketing B.V. (collectively, “adidas”) as well as Plaintiffs/Counter-Defendants Reebok International Ltd. and Reebok International Limited (collectively, “Reebok” and together with adidas, “Plaintiffs”), by and through their undersigned counsel, hereby answer the counterclaims (the “Counterclaims”) asserted by Defendant/Counter-Plaintiff TRB Acquisitions LLC (“TRB”) in its “First Amended Answer, Affirmative Defenses, and Counterclaims to the Complaint” (ECF No. 32) as follows:

THE PARTIES

1. Plaintiffs are without knowledge or information sufficient to form a belief as to the truth of the averments in Paragraph 1 of the Counterclaims.
2. Plaintiffs admit the averments in Paragraph 2 of the Counterclaims.
3. Plaintiffs admit the averments in Paragraph 3 of the Counterclaims.
4. Plaintiffs admit the averments in Paragraph 4 of the Counterclaims.
5. Plaintiffs admit the averments in Paragraph 5 of the Counterclaims.
6. Plaintiffs admit the averments in Paragraph 6 of the Counterclaims.
7. Plaintiffs admit the averments in Paragraph 7 of the Counterclaims.

JURISDICTION AND VENUE

8. In response to Paragraph 8 of the Counterclaims, Plaintiffs admit that this Court has subject matter jurisdiction over this action.

9. In response to Paragraph 9 of the Counterclaims, Plaintiffs aver that the Complaint speaks for itself and deny the averments in Paragraph 9 to the extent they omit or mischaracterize any allegation or claim in the Complaint.

10. In response to Paragraph 10 of the Counterclaims, Plaintiffs admit that this Court has personal jurisdiction over plaintiffs adidas America, Inc. and Reebok International Ltd., and in further response to Paragraph 10 of the Counterclaims, Plaintiffs aver that based on Plaintiffs

having initiated this lawsuit in this Court, they have no basis to challenge this Court's personal jurisdiction over any of the Plaintiffs.

11. In response to Paragraph 11 of the Counterclaims, Plaintiffs admit that venue is proper in the District of Oregon under 28 U.S.C. § 1391 and deny the remaining averments in Paragraph 11.

12. Plaintiffs admit the averments in Paragraph 12 of the Counterclaims.

13. Plaintiffs admit the averments in Paragraph 13 of the Counterclaims.

14. In response to Paragraph 14 of the Counterclaims, Plaintiffs admit that Registration No. 3,612,991 has been cancelled, but deny all remaining averments in Paragraph 14.

15. In response to Paragraph 15 of the Counterclaims, Plaintiffs deny that the registration listed in Paragraph 15 is improper in scope or should be rectified. Plaintiffs admit the remaining averments in Paragraph 15.

16. Plaintiffs deny the averments in Paragraph 16 of the Counterclaims.

FACTS PERTINENT TO COUNTERCLAIMS

17. Plaintiffs are without knowledge or information sufficient to form a belief as to the truth of the averments in Paragraph 17 of the Counterclaims.

18. Plaintiffs are without knowledge or information sufficient to form a belief as to the truth of the averments in Paragraph 18 of the Counterclaims.

19. Plaintiffs are without knowledge or information sufficient to form a belief as to the truth of the averments in Paragraph 19 of the Counterclaims.

20. Plaintiffs are without knowledge or information sufficient to form a belief as to the truth of the averments in Paragraph 20 of the Counterclaims.

21. Plaintiffs are without knowledge or information sufficient to form a belief as to the truth of the averments in Paragraph 21 of the Counterclaims.

22. Plaintiffs are without knowledge or information sufficient to form a belief as to the truth of the averments in Paragraph 22 of the Counterclaims.

23. Plaintiffs are without knowledge or information sufficient to form a belief as to the truth of the averments in Paragraph 23 of the Counterclaims.

24. Plaintiffs are without knowledge or information sufficient to form a belief as to the truth of the averments in Paragraph 24 of the Counterclaims.

25. Plaintiffs deny the averments in Paragraph 25 of the Counterclaims.

26. Plaintiffs are without knowledge or information sufficient to form a belief as to the truth of the averments in Paragraph 26 of the Counterclaims.

27. Plaintiffs are without knowledge or information sufficient to form a belief as to the truth of the averments in Paragraph 27 of the Counterclaims.

28. Plaintiffs deny the averments in Paragraph 28 of the Counterclaims.

29. Plaintiffs are without knowledge or information sufficient to form a belief as to the truth of the averments in Paragraph 29 of the Counterclaims.

30. Plaintiffs are without knowledge or information sufficient to form a belief as to the truth of the averments in Paragraph 30 of the Counterclaims.

31. Plaintiffs are without knowledge or information sufficient to form a belief as to the truth of the averments in Paragraph 31 of the Counterclaims.

32. Plaintiffs are without knowledge or information sufficient to form a belief as to the truth of the averments in Paragraph 32 of the Counterclaims.

33. Plaintiffs admit the averments in Paragraph 33 of the Counterclaims.

34. Plaintiffs admit the averments in Paragraph 34 of the Counterclaims.

35. Plaintiffs admit the averments in Paragraph 35 of the Counterclaims.

36. Plaintiffs admit the averments in Paragraph 36 of the Counterclaims.

37. Plaintiffs admit the averments in Paragraph 37 of the Counterclaims.

38. Plaintiffs admit the averments in Paragraph 38 of the Counterclaims.
39. Plaintiffs admit the averments in Paragraph 39 of the Counterclaims.
40. Plaintiffs admit the averments in Paragraph 40 of the Counterclaims.
41. Plaintiffs admit the averments in Paragraph 41 of the Counterclaims.
42. Plaintiffs admit the averments in Paragraph 42 of the Counterclaims.
43. Plaintiffs admit the averments in Paragraph 43 of the Counterclaims.
44. Plaintiffs admit the averments in Paragraph 44 of the Counterclaims.
45. Plaintiffs admit the averments in Paragraph 45 of the Counterclaims.
46. Plaintiffs admit the averments in Paragraph 46 of the Counterclaims.
47. Plaintiffs admit the averments in Paragraph 47 of the Counterclaims.
48. Plaintiffs admit the averments in Paragraph 48 of the Counterclaims.
49. Plaintiffs admit the averments in Paragraph 49 of the Counterclaims.
50. Plaintiffs admit the averments in Paragraph 50 of the Counterclaims.
51. Plaintiffs admit the averments in Paragraph 51 of the Counterclaims.
52. Plaintiffs admit the averments in Paragraph 52 of the Counterclaims.
53. Plaintiffs admit the averments in Paragraph 53 of the Counterclaims.
54. Plaintiffs admit the averments in Paragraph 54 of the Counterclaims.
55. Plaintiffs admit the averments in Paragraph 55 of the Counterclaims.
56. Plaintiffs admit the averments in Paragraph 56 of the Counterclaims.
57. Plaintiffs admit the averments in Paragraph 57 of the Counterclaims.
58. Plaintiffs admit the averments in Paragraph 58 of the Counterclaims.
59. Plaintiffs admit the averments in Paragraph 59 of the Counterclaims.
60. Plaintiffs admit the averments in Paragraph 60 of the Counterclaims.
61. Plaintiffs admit the averments in Paragraph 61 of the Counterclaims.
62. Plaintiffs admit the averments in Paragraph 62 of the Counterclaims.

63. Plaintiffs deny the averments in Paragraph 63 of the Counterclaims.
64. Plaintiffs deny the averments in Paragraph 64 of the Counterclaims.
65. Plaintiffs admit the averments in Paragraph 65 of the Counterclaims.
66. Plaintiffs admit the averments in Paragraph 66 of the Counterclaims.
67. Plaintiffs admit the averments in Paragraph 67 of the Counterclaims.
68. Plaintiffs admit the averments in Paragraph 68 of the Counterclaims.
69. Plaintiffs admit the averments in Paragraph 69 of the Counterclaims.
70. Plaintiffs admit the averments in Paragraph 70 of the Counterclaims.
71. Plaintiffs admit the averments in Paragraph 71 of the Counterclaims.
72. Plaintiffs admit the averments in Paragraph 72 of the Counterclaims.
73. Plaintiffs admit the averments in Paragraph 73 of the Counterclaims.
74. Plaintiffs admit the averments in Paragraph 74 of the Counterclaims.
75. Plaintiffs admit the averments in Paragraph 75 of the Counterclaims.
76. Plaintiffs admit the averments in Paragraph 76 of the Counterclaims.
77. Plaintiffs admit the averments in Paragraph 77 of the Counterclaims.
78. Plaintiffs admit the averments in Paragraph 78 of the Counterclaims.
79. Plaintiffs admit the averments in Paragraph 79 of the Counterclaims.
80. Plaintiffs admit the averments in Paragraph 80 of the Counterclaims.
81. Plaintiffs admit the averments in Paragraph 81 of the Counterclaims.
82. Plaintiffs admit the averments in Paragraph 82 of the Counterclaims.
83. Plaintiffs admit the averments in Paragraph 83 of the Counterclaims.
84. Plaintiffs admit the averments in Paragraph 84 of the Counterclaims.
85. Plaintiffs admit the averments in Paragraph 85 of the Counterclaims.
86. Plaintiffs admit the averments in Paragraph 86 of the Counterclaims.
87. Plaintiffs deny the averments in Paragraph 87 of the Counterclaims.

88. Plaintiffs are without knowledge or information sufficient to form a belief as to the truth of the averments in Paragraph 88 of the Counterclaims.

89. Plaintiffs admit the averments in Paragraph 89 of the Counterclaims.

90. Plaintiffs admit the averments in Paragraph 90 of the Counterclaims.

91. Plaintiffs deny the averments in Paragraph 91 of the Counterclaims.

92. Plaintiffs deny the averments in Paragraph 92 of the Counterclaims.

93. Plaintiffs admit the averments in Paragraph 93 of the Counterclaims.

94. Plaintiffs admit the averments in Paragraph 94 of the Counterclaims.

95. Plaintiffs admit the averments in Paragraph 95 of the Counterclaims.

96. Plaintiffs deny the averments in Paragraph 96 of the Counterclaims.

97. Plaintiffs deny the averments in Paragraph 97 of the Counterclaims.

98. Plaintiffs deny the averments in Paragraph 98 of the Counterclaims.

99. Plaintiffs admit the averments in Paragraph 99 of the Counterclaims.

100. In response to Paragraph 100 of the Counterclaims, Plaintiffs admit that the RBX marks covered by the RBX Federal Registrations and the pending '663 Application are likely to cause confusion in violation of Section 2(d) of the Lanham Act and are likely to dilute adidas's and Reebok's marks, in violation of Section 43(a)(1) of the Lanham Act. Plaintiffs further aver that the Petition for Cancellation and Notice of Opposition attached as Exhibits 7 and 8, respectively, to the Counterclaims speak for themselves. Plaintiffs deny all remaining averments in Paragraph 100 of the Counterclaims.

101. In response to Paragraph 101 of the Counterclaims, Plaintiffs aver that the Petition for Cancellation and Notice of Opposition attached as Exhibits 7 and 8, respectively, to the Counterclaims speak for themselves.

102. Plaintiffs admit the averments in Paragraph 102 of the Counterclaims.

103. In response to Paragraph 103 of the Counterclaims, Plaintiffs admit that Reebok International Limited did not file an affidavit pursuant to 15 U.S.C. § 1058 for Reg. No. 3,612,991 on or before October 28, 2015, and deny the remaining averments in Paragraph 103.

104. Plaintiffs admit the averments in Paragraph 104 of the Counterclaims.

105. In response to Paragraph 105 of the Counterclaims, Plaintiffs admit that Exhibit 10 to the Counterclaims is a true and correct copy of the USPTO Trademark Status & Document Retrieval status page for Reg. No. 3,612,991 as it appeared on February 26, 2016, and aver that the document speaks for itself.

106. Plaintiffs deny the averments in Paragraph 106 of the Counterclaims.

107. Plaintiffs deny the averments in Paragraph 107 of the Counterclaims.

108. Plaintiffs deny the averments in Paragraph 108 of the Counterclaims.

109. Plaintiffs admit the averments in Paragraph 109 of the Counterclaims.

110. In response to Paragraph 110 of the Counterclaims, Plaintiffs admit that a copy of the April 24, 2013 Section 8 Renewal Filing for the '100 Registration is attached as Exhibit 11, and Plaintiffs aver that the document speaks for itself. Plaintiffs deny all remaining averments in Paragraph 110 of the Counterclaims.

111. Plaintiffs admit the averments in Paragraph 111 of the Counterclaims.

112. Plaintiffs admit the averments in Paragraph 112 of the Counterclaims.

113. In response to Paragraph 113 of the Counterclaims, Plaintiffs admit that the "TTAB Plaintiffs" listed Reg. No. 3,234,100 and the goods enumerated in Paragraph 113 in the Petition for Cancellation and Notice of Opposition attached as Exhibits 7 and 8, respectively, to the Counterclaims. Plaintiffs deny the remaining averments in Paragraph 113.

114. Plaintiffs deny the averments in Paragraph 114 of the Counterclaims.

115. In response to Paragraph 115 of the Counterclaims, Plaintiffs admit that Paragraph 115 depicts a section of a page entitled “Group Brands and Divisions” in the 2007 adidas Group Annual Report.

116. Plaintiffs admit the averments in Paragraph 116 of the Counterclaims.

117. Plaintiffs are without knowledge or information sufficient to form a belief as to the truth of the averments in Paragraph 117 of the Counterclaims.

118. In response to Paragraph 118 of the Counterclaims, Plaintiffs aver that the quoted language constitutes hearsay from a third party, to which no response is required. Plaintiffs are without knowledge or information sufficient to form a belief as to the truth of the averments in Paragraph 118.

119. In response to Paragraph 119 of the Counterclaims, Plaintiffs admit that Paragraph 119 depicts a section of a page entitled “Our Brand Portfolio” in the 2008 adidas Group Annual Report.

120. In response to Paragraph 120 of the Counterclaims, Plaintiffs admit that the particular version of the quoted page “Our Brand Portfolio” does not contain the terms “RBK” or “Rbk hockey.” Plaintiffs deny the averments in Paragraph 120 to the extent they suggest that: (a) the 2008 adidas Group Annual Report should have identified RBK or Rbk Hockey as a Reebok brand or (b) such an omission means the marks were not in use at that time. Plaintiffs aver that they own thousands of trademarks and brands, and that their Annual Reports do not contain, and do not purport to contain, an exhaustive list of those trademarks and brands.

121. In response to Paragraph 121 of the Counterclaims, Plaintiffs admit that Paragraph 121 depicts a section of a particular page entitled “Group Brands” in the 2009 adidas Group Annual Report.

122. In response to Paragraph 122 of the Counterclaims, Plaintiffs admit that the page entitled “Group Brands” does not contain the terms “RBK” or “Rbk hockey.” Plaintiffs deny the

averments in Paragraph 122 to the extent they suggest that: (a) the 2009 adidas Group Annual Report should have identified RBK or Rbk Hockey as a Reebok brand or (b) such an omission means the marks were not in use at that time. Plaintiffs aver that they own thousands of trademarks and brands, and that their Annual Reports do not contain, and do not purport to contain, an exhaustive list of those trademarks and brands.

123. In response to Paragraph 123 of the Counterclaims, Plaintiffs admit that Paragraph 123 depicts a section of a page entitled “Group Brands” in the 2010 adidas Group Annual Report. Plaintiffs deny the remaining averments in Paragraph 123 to the extent they allege that the single “Group Brands” page contains an exhaustive list of Plaintiffs’ brands and trademarks.

124. In response to Paragraph 124 of the Counterclaims, Plaintiffs admit that the page entitled “Group Brands” does not contain the terms “RBK” or “Rbk hockey.” Plaintiffs deny the averments in Paragraph 124 to the extent they suggest that: (a) the 2010 adidas Group Annual Report should have identified RBK or Rbk Hockey as a Reebok brand or (b) such an omission means the marks were not in use at that time. Plaintiffs aver that they own thousands of trademarks and brands, and that their Annual Reports do not contain, and do not purport to contain, an exhaustive list of those trademarks and brands.

125. In response to Paragraph 125 of the Counterclaims, Plaintiffs admit that Paragraph 125 depicts a section of a page entitled “Group Brands” in the 2011 adidas Group Annual Report.

126. In response to Paragraph 126 of the Counterclaims, Plaintiffs admit that the page entitled “Group Brands” does not contain the terms “RBK” or “Rbk hockey.” Plaintiffs deny the averments in Paragraph 126 to the extent they suggest that: (a) the 2011 adidas Group Annual Report should have identified RBK or Rbk Hockey as a Reebok brand or (b) such an omission means the marks were not in use at that time. Plaintiffs aver that they own thousands of

trademarks and brands, and that their Annual Reports do not contain, and do not purport to contain, an exhaustive list of those trademarks and brands.

127. In response to Paragraph 127 of the Counterclaims, Plaintiffs admit that Paragraph 127 depicts a section of a page entitled “Our Brands” in the 2012 adidas Group Annual Report.

128. In response to Paragraph 128 of the Counterclaims, Plaintiffs admit that the page entitled “Our Brands” does not contain the terms “RBK” or “Rbk hockey.” Plaintiffs deny the averments in Paragraph 128 to the extent they suggest that: (a) the 2012 adidas Group Annual Report should have identified RBK or Rbk Hockey as a Reebok brand or (b) such an omission means the marks were not in use at that time. Plaintiffs aver that they own thousands of trademarks and brands, and that their Annual Reports do not contain, and do not purport to contain, an exhaustive list of those trademarks and brands.

129. In response to Paragraph 129 of the Counterclaims, Plaintiffs admit that Paragraph 129 depicts a section of a page entitled “Our Brands” in the 2013 adidas Group Annual Report.

130. In response to Paragraph 130 of the Counterclaims, Plaintiffs admit that the page entitled “Our Brands” does not contain the terms “RBK” or “Rbk hockey.” Plaintiffs deny the averments in Paragraph 130 to the extent they suggest that: (a) the 2013 adidas Group Annual Report should have identified RBK or Rbk Hockey as a Reebok brand or (b) such an omission means the marks were not in use at that time. Plaintiffs aver that they own thousands of trademarks and brands, and that their Annual Reports do not contain, and do not purport to contain, an exhaustive list of those trademarks and brands.

131. In response to Paragraph 131 of the Counterclaims, Plaintiffs admit that Paragraph 131 depicts a section of a page entitled “Our Brands” in the 2014 adidas Group Annual Report.

132. In response to Paragraph 132 of the Counterclaims, Plaintiffs admit that the page entitled “Our Brands” does not contain the terms “RBK” or “Rbk hockey.” Plaintiffs deny the averments in Paragraph 132 to the extent they suggest that: (a) the 2013 adidas Group Annual Report should have identified RBK or Rbk Hockey as a Reebok brand or (b) such an omission means the marks were not in use at that time. Plaintiffs aver that they own thousands of trademarks and brands, and that their Annual Reports do not contain, and do not purport to contain, an exhaustive list of those trademarks and brands.

133. In response to Paragraph 133 of the Counterclaims, Plaintiffs admit that Paragraph 133 depicts a section of an adidas Group webpage entitled “Profile.”

134. In response to Paragraph 134 of the Counterclaims, Plaintiffs admit that the adidas Group webpage entitled “Profile” does not contain the terms “RBK” or “Rbk hockey.” Plaintiffs deny the averments in Paragraph 134 to the extent they suggest that: (a) the adidas Group webpage entitled “Profile” should have identified RBK or Rbk Hockey as a Reebok brand or (b) such an omission means the marks were not in use at that time. Plaintiffs aver that they own thousands of trademarks and brands, and that the above-referenced webpage does not contain, and does not purport to contain, an exhaustive list of those trademarks and brands.

135. Plaintiffs deny the averments in Paragraph 135 of the Counterclaims.

136. Plaintiffs deny the averments in Paragraph 136 of the Counterclaims.

FIRST COUNTERCLAIM

(Declaration of Validity of RBX Federal Trademark Registrations)

137. Plaintiffs repeat and reassert their responses in the foregoing paragraphs as if fully set forth herein.

138. In response to Paragraph 138 of the Counterclaims, Plaintiffs admit that there is an actual controversy but deny the remaining averments in Paragraph 138.

139. In response to Paragraph 139 of the Counterclaims, Plaintiffs aver that the Complaint speaks for itself and deny the averments in Paragraph 139 to the extent they omit or mischaracterize any allegation or claim in the Complaint.

140. In response to Paragraph 140 of the Counterclaims, Plaintiffs aver that the Petition for Cancellation attached as Exhibit 7 to the Counterclaims speaks for itself and deny the averments in Paragraph 140 to the extent they omit or mischaracterize any allegation or claim in that petition.

141. Plaintiffs deny the averments in Paragraph 141 of the Counterclaims.

142. Plaintiffs deny the averments in Paragraph 142 of the Counterclaims.

143. Plaintiffs deny the averments in Paragraph 143 of the Counterclaims.

SECOND COUNTERCLAIM
(Declaration of Non-Infringement)

144. Plaintiffs repeat and reassert their responses in the foregoing paragraphs as if fully set forth herein.

145. In response to Paragraph 145 of the Counterclaims, Plaintiffs admit that there is an actual controversy but deny the remaining averments in Paragraph 145.

146. In response to Paragraph 146 of the Counterclaims, Plaintiffs aver that the Complaint speaks for itself and deny the averments in Paragraph 146 to the extent they omit or mischaracterize any allegation or claim in the Complaint.

147. In response to Paragraph 147 of the Counterclaims, Plaintiffs aver that the Petition for Cancellation attached as Exhibit 7 to the Counterclaims speaks for itself and deny the averments in Paragraph 147 to the extent they omit or mischaracterize any allegation or claim in that petition.

148. In response to Paragraph 148 of the Counterclaims, Plaintiffs aver that the Notice of Opposition attached as Exhibit 8 to the Counterclaims speaks for itself and deny the

averments in Paragraph 148 to the extent they omit or mischaracterize any allegation or claim in that filing.

149. Plaintiffs deny the averments in Paragraph 149 of the Counterclaims.

150. Plaintiffs deny the averments in Paragraph 150 of the Counterclaims.

151. Plaintiffs deny the averments in Paragraph 151 of the Counterclaims.

THIRD COUNTERCLAIM

(Cancellation of U.S. Trademark Registration No. 3,074,802)

152. Plaintiffs repeat and reassert their responses in the foregoing paragraphs as if fully set forth herein.

153. In response to Paragraph 153 of the Counterclaims, Plaintiffs admit that TRB seeks cancellation of Reg. No. 3,074,802.

154. Plaintiffs deny the averments in Paragraph 154 of the Counterclaims.

155. Plaintiffs deny the averments in Paragraph 155 of the Counterclaims.

156. Plaintiffs deny the averments in Paragraph 156 of the Counterclaims.

157. Plaintiffs deny the averments in Paragraph 157 of the Counterclaims.

FOURTH COUNTERCLAIM

(Cancellation of U.S. Trademark Registration No. 3,612,991)

158. Plaintiffs repeat and reassert their responses in the foregoing paragraphs as if fully set forth herein.

159. In response to Paragraph 159 of the Counterclaims, Plaintiffs admit that TRB seeks cancellation of Reg. No. 3,612,991.

160. Plaintiffs admit the averments in Paragraph 160 of the Counterclaims.

161. Plaintiffs deny the averments in Paragraph 161 of the Counterclaims.

162. Plaintiffs deny the averments in Paragraph 162 of the Counterclaims.

163. Plaintiffs deny the averments in Paragraph 163 of the Counterclaims.

FIFTH COUNTERCLAIM
(Cancellation of U.S. Trademark Registration No. 3,234,100)

164. Plaintiffs repeat and reassert their responses in the foregoing paragraphs as if fully set forth herein.

165. In response to Paragraph 165 of the Counterclaims, Plaintiffs admit that TRB seeks cancellation of Reg. No. 3,234,100.

166. In response to Paragraph 166 of the Counterclaims, Plaintiffs admit that Reg. No. 3,234,100 covers, *inter alia*, “sports equipment, namely, volleyballs.”

167. Plaintiffs deny the averments in Paragraph 167 of the Counterclaims.

168. Plaintiffs deny the averments in Paragraph 168 of the Counterclaims.

169. Plaintiffs deny the averments in Paragraph 169 of the Counterclaims.

SIXTH COUNTERCLAIM
(Rectification of Register as to Proper Narrow Scope of U.S. Trademark Registration No. 3,234,100)

170. Plaintiffs repeat and reassert their responses in the foregoing paragraphs as if fully set forth herein.

171. Plaintiffs are without knowledge or information sufficient to form a belief as to the truth of the averments in Paragraph 171 of the Counterclaims.

172. In response to Paragraph 172 of the Counterclaims, Plaintiffs admit that the “TTAB Plaintiffs” listed Reg. No. 3,234,100 and the goods enumerated in Paragraph 172 in the Petition for Cancellation and Notice of Opposition attached as Exhibits 7 and 8, respectively, to the Counterclaims, and Plaintiffs deny the remaining averments in Paragraph 172.

173. Plaintiffs deny the averments in the first sentence of Paragraph 173 of the Counterclaims, and admit the second sentence in Paragraph 173.

174. Plaintiffs deny the averments in Paragraph 174 of the Counterclaims.

175. Plaintiffs deny the averments in Paragraph 175 of the Counterclaims.

SEVENTH COUNTERCLAIM
(Declaration of Non-Infringement and Invalidity of the Counterclaim-Defendants' RBK Marks Based on Abandonment)

176. Plaintiffs repeat and reassert their responses in the foregoing paragraphs as if fully set forth herein.

177. In response to Paragraph 177 of the Counterclaims, Plaintiffs admit that there is an actual controversy but deny the remaining averments in Paragraph 177.

178. Plaintiffs admit the averments in Paragraph 178 of the Counterclaims.

179. Plaintiffs are without knowledge or information sufficient to form a belief as to the truth of the averments in Paragraph 179 of the Counterclaims.

180. Plaintiffs deny the averments in Paragraph 180 of the Counterclaims.

181. Plaintiffs deny the averments in Paragraph 181 of the Counterclaims.

182. Plaintiffs deny the averments in Paragraph 182 of the Counterclaims.

183. Plaintiffs deny the averments in Paragraph 183 of the Counterclaims.

EIGHTH COUNTERCLAIM
(Declaration of Non-Infringement of the Cancelled and Unenforceable U.S. Trademark Registration No. 3,612,991)

184. Plaintiffs repeat and reassert their responses in the foregoing paragraphs as if fully set forth herein.

185. In response to Paragraph 185 of the Counterclaims, Plaintiffs admit that there is an actual controversy but deny the remaining averments in Paragraph 185.

186. In response to Paragraph 186 of the Counterclaims, Plaintiffs admit that the "TTAB Plaintiffs" listed Reg. No. 3,612,991 and the goods enumerated in Paragraph 186 in the Petition for Cancellation and Notice of Opposition attached as Exhibits 7 and 8, respectively, to the Counterclaims, and Plaintiffs deny the remaining averments in Paragraph 186.

187. Plaintiffs admit the averments in Paragraph 187 of the Counterclaims.

188. Plaintiffs admit the averments in Paragraph 188 of the Counterclaims.

189. Plaintiffs deny the averments in Paragraph 189 of the Counterclaims.

NINTH COUNTERCLAIM

(Declaration that TRB Has Not Engaged in Federal Unfair Competition)

190. Plaintiffs repeat and reassert their responses in the foregoing paragraphs as if fully set forth herein.

191. In response to Paragraph 191 of the Counterclaims, Plaintiffs admit that there is an actual controversy but deny the remaining averments in Paragraph 191.

192. In response to Paragraph 192 of the Counterclaims, Plaintiffs aver that the Complaint speaks for itself and deny the averments in Paragraph 192 to the extent they omit or mischaracterize any allegation or claim in the Complaint.

193. Plaintiffs deny the averments in Paragraph 193 of the Counterclaims.

194. Plaintiffs deny the averments in Paragraph 194 of the Counterclaims.

TENTH COUNTERCLAIM

(Declaration that TRB Has Not Engaged in Unfair and Deceptive Trade Practices)

195. Plaintiffs repeat and reassert their responses in the foregoing paragraphs as if fully set forth herein.

196. In response to Paragraph 196 of the Counterclaims, Plaintiffs admit that there is an actual controversy but deny the remaining averments in Paragraph 196.

197. In response to Paragraph 197 of the Counterclaims, Plaintiffs aver that the Complaint speaks for itself and deny the averments in Paragraph 197 to the extent they omit or mischaracterize any allegation or claim in the Complaint.

198. Plaintiffs deny the averments in Paragraph 198 of the Counterclaims.

199. Plaintiffs deny the averments in Paragraph 199 of the Counterclaims.

GENERAL DENIAL

Except as expressly admitted, qualified, or otherwise answered, Plaintiffs deny each and every matter, thing, allegation, or averment contained in TRB's Counterclaims.

AFFIRMATIVE DEFENSES

By way of further answer, and without waiving TRB's burden to prove all elements of its Counterclaims, Plaintiffs assert the following affirmative defenses:

1. TRB's Counterclaims are barred in whole or in part by the doctrine of unclean hands.
2. Plaintiffs reserve the right to assert additional affirmative defenses, should discovery reveal facts supporting such defenses.

DEMAND FOR JURY TRIAL

Plaintiffs respectfully demand a trial by jury on all claims, counterclaims, and issues so triable.

DATED: April 4, 2016

PERKINS COIE LLP

By: s/ Stephen M. Feldman

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